



The conflict between Basescu and Tariceanu. A Governmental System Viewpoint

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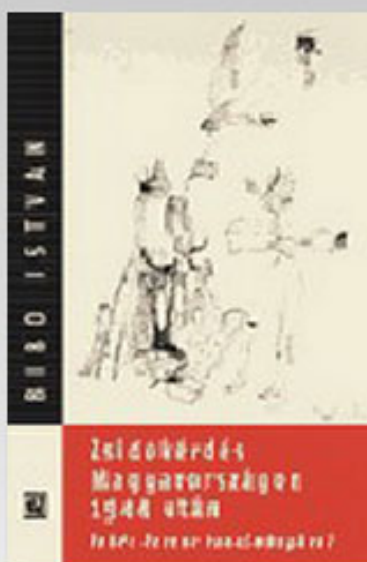
by Sean Müller

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By **Bibó István**

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■ SEAN MÜLLER

Semi-presidential systems of democratic governance risk ending up in a stalemate when it is not clear which of the two „heads” – head of State or head of Government – shall take the lead. The current political situation in Romania features some of the commonly observed characteristics of such an institutional blockade. However, after addressing these formal aspects of political Romania, the author argues for not forgetting to take into account the informal, actor-related factors. The nature of the Romanian political parties and party system seems to hinder the finding of a consensus needed to exit the self-imposed blockade. More specifically, it is the Democratic Party (PD) that is the key to understanding the recent developments. The Government of April the third has yet to prove its efficiency.

Keywords:

Romanian semi-presidentialism,
Romanian political parties, cohabitation,
dual authority

Semi-Presidentialism

In the politological debate on the characterisation of (democratic) governmental system, the stand of the „semi-presidential” category is far from secured. Some see it as a deviation à la française from the presidential system; for example, Shugart/Carey speak of „premier-presidential systems”.¹

Others tend to prioritize relational over dispositional features. This means that denomination of a political system depends also on the concrete powers the president possesses in relation to other State institutions. Based on the assumption that only „executive power” would allow the president to „enter a double authority structure with the prime minister”, Sartori for example excludes Ireland, Austria, and Iceland form the semi-presidential group.²

However, for the sake of terminological accuracy and comparative clarity, three (dispositional) dimensions are taken into consideration when defining semi-

1 Matthew S Shugart, John M Carey (1992), *Presidents and Assemblies – Constitutional Design and Electoral Dynamics*, New York : Cambridge University Press, p. 23.

2 Giovanni Sartori, (2004), „Verso una costituzione incostituzionale?”, in *Ingegneria costituzionale comparata. Strutture, incentivi ed esiti*, Bologna: Il Mulino, p. 146.

presidential systems.¹ First, we look at the composition of the executive, and ask: Is the head of State also sole head of Government? In semi-presidential system this is not the case.²

Then, we ask for origin and survival of the respective heads. Is the head of State popularly elected and taking office for a fixed term, then the second criterion of semi-presidentialism is fulfilled. The third criterion for a system to qualify as semi-presidential refers to the head of Government: His stay in power must be linked to the confidence – or „non-diffidence“, in Duverger’s words³ – of parliament.

The Prime Minister (PM) may be appointed by the president, but it is the parliament that institutes the appointee in his office: either implicitly – by not tendering a censure motion – or explicitly – by a vote of investiture. These very rudimentary cogitations can be summed up in the definition of semi-presidential systems as republican democracies featuring a dual executive, which in turn is made up of:

1. A president, elected through popular vote for a fixed term-mandate; and
2. A Prime Minister, dependent on the parliament’s confidence or at least non-diffidence.

Before we proceed to the analysis of the Romanian „serious political turmoil“ (PNL-deputy Ludovic Orban),⁴ we have to consider two specific elements of any semi-presidential system: dual authority and cohabitation. In fact, the latter is but one possible consequence of the former.

Dual Authority

The popular election of the president may seem symbolic only, all the more when his position is not also endowed with specific powers. Nonetheless, a dual authority structure is constitutionally installed, as both PM and president are „heads“ of Government and of State, respectively.

Authority (lat. *auctoritas*), in this sense, must not be confounded with power (*potestas*). The latter, in politics and political science at least, refers to the ability to „make and implement collectively binding decisions.“⁵ Authority is considered here more as repute and leverage.⁶ Authority relates to two elements that will be considered in turn: legitimacy and political institutions.

We said that the popular election of the president is more than symbolic. However, one should not go as far as for example Charles de Gaulle, when saying that „l’autorité indivisible de l’Etat est confiée tout entière au président par le peuple

1 Cf. Robert Elgie (1999), „The Politics of Semi-Presidentialism“, in Robert Elgie, *Semi-Presidentialism in Europe*, New York: Oxford University Press, pp. 1-21.

2 Alan Siaroff (2003), „Comparative Presidencies: The Inadequacy of the Presidential, Semi-Presidential and Parliamentary Distinction“, in *European Journal of Political Research*, Vol. 42, No. 3, 287-312, p. 293.

3 Maurice Duverger (1980): „A New Political System Model: Semi-Presidential Government“, in *European Journal of Political Research*, Vol. 8, No. 2, 165-187, p. 166.

4 Cit. in *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 30.3.07.

5 Dieter Fuchs, (2001), „Types and Indices of Democratic Regimes“, Discussion Paper FS III 01-203, Wissenschaftszentrum Berlin für Sozialforschung (WZB), 1-21, p. 5.

6 Manfred G. Schmidt (2004), *Wörterbuch zur Politik*. Stuttgart: Kröner, p. 69.

qui l'a élu."¹ The *legitimacy* of the president would be higher than the one of parliament because it is not divided into various seats, but remains in the hands of one single person, the president. But parliament as well is elected by the people – in fact, the electorate. And, mathematically speaking, parliament represents the people more adequately.² A familiar example: President Basescu received some 5 million votes in the second round, while the parties that entered parliament represent together more than 10 million Romanians.

To quote again Maurice Duverger, „father” of the semi-presidential concept:

[...] l'ensemble des députés représente la totalité du peuple, car la minorité y figure aux cotés de la majorité. Leur dialogue permanent constitue l'essence même de la vie parlementaire, qui reflète ainsi toute la vie nationale. Cela donne au parlement une prééminence de droit. Il demeure le fondement principal du régime semi-présidentiel, malgré l'élection du chef de l'Etat au suffrage universel.³

However, the structure of dual authority is an inherent element of semi-presidentialism. Authority is situated on the *institutional* (formal) level, in this case the presidency and the Prime Ministry. We said that power means the concrete ability to make decisions that are collectively binding. It is political actors that make such decisions – more specifically, in democracies: parliament and the parliamentary majority. To what extent the president can influence this process is fixed in the constitution, but depends also on the specific constellation of political parties.⁴

Dual authority, then, means that a competition between the president and the PM is possible *in principle*. The dual authority structure consists of three elements:

1. The president is independent from parliament, but can not govern alone or directly: Directives have to be issued and mediated by „his” Government.
2. The PM and his cabinet are independent from the president in the degree they are dependent from parliament: They have to be able to count on a majority at least when it comes to votes of confidence, or of non-confidence.
3. The dual authority structure allows various equilibria between and inside the branches of executive power, because it always sustains a „potential autonomy” of every unit or component of the executive.⁵

We have here another reason to categorize semi-presidentialism as a regime type of its own: A semi-presidential system can not become „presidential” – simply by the fact that the president controls the parliamentary majority – because it is structurally different whether the president governs directly, or through an „added” Government. Neither can a semi-presidential system become „parliamentarian” – in cases of cohabitation for example – because a directly elected president has a different character (and authority) than a president chosen by the parliament.⁶ In both cases, there „may be an actor whose role is not characteristic for pure presidential or parliamentarian systems and whose particular influence on the functioning of the political system cannot be neutralized.”⁷

1 Cit. în Maurice Duverger (1978), *Echec au Roi*. Paris, Paris: Albin Michel, p. 143.

2 *Ibidem*. p. 68.

3 *Ibidem*. p. 69.

4 Cf. the chapter „A Theory of Presidential Power” in the author's master's thesis.

5 Sartori, *Op. cit.* p. 146.

6 *Ibidem*. p. 139.

7 Oleh Protsyk (1997), *Do Institutions Matter? Semi-Presidentialism in Comparative Perspective*. Ed. by the Institute on East Central Europe, Budapest, p. 14.

Semi-presidential systems exhibit a dual or „flexible authority“ with – quite literally – two executive „heads“. The supremacy goes to the head who controls the parliamentary majority. If the party of the president holds or somehow controls the majority, then the president prevails. In cases of cohabitation, the Prime Minister prevails. The key to understanding the functioning of semi-presidential system is the connection between formal powers and political parties in Parliament.¹

Again: any real power depends on the interplay of formal powers (constitutional prerogatives associated with institutions, e.g. the presidency) and majority power (based on political parties).

Cohabitation

The second distinctiveness of semi-presidentialism is cohabitation. Cohabitation is the situation where „a directly elected president governs with a parliamentary majority from a different party-political couleur.“² More specifically, cohabitation is the „exceptional and temporal“ transformation of the dual authority structure into „competitive diarchy“.³

Cohabitation must be distinguished from „divided government“ which can take place only in presidential systems: a president, who is by definition both head of State and of Government, and an assembly dominated by the opposition – the USA since the last Congress elections. Since presidential systems are of „mutual independence“, the assembly cannot make the Government fall, nor can the Government induce new elections.⁴

Neither is cohabitation the same as a minority Government. On the contrary, minority Governments are tolerated by the assembly, mostly because there is no one single parliamentary majority, only a plurality.⁵ In moments of plenary voting, ad-hoc majorities support the cabinet without being formally part of it.⁶ Minority Governments can happen also in semi-presidential systems, but cohabitation cannot happen in parliamentary systems.

Romanian Semi-Presidentialism

It may now be clear what semi-presidential systems are. But is Romania a semi-presidential system? Sartori, in line with his definition, denies that. He describes Romania as „parliamentarian with a President who is strong, but not strong enough

¹ Giovanni Sartori, *Op. cit.*, p. 139.

² Manfred G. Schmidt, *Op. cit.*, p. 138.

³ Gianfranco Pasquino (1997), „Semi-presidentialism: A Political Model at Work“, in *European Journal of Political Research*, Vol. 31, No. 1, 128-146, pp. 130-131.

⁴ Alfred Stepan, Cindy Skach (1993), „Constitutional Frameworks and Democratic Consolidation: Parliamentarism versus Presidentialism“ in *World Politics*, Vol. 46, No. 1, 1-22, p. 4. The European „Government“ refers to the cabinet, while the American „government“ means the whole set of political institutions.

⁵ (Absolute) Majority: half plus one seat; plurality: less than half of total seats but still the biggest share (synonymous to relative majority); cf. Schmidt, *Op. cit.* p. 450.

⁶ Oleh Protsyk (2005), „Politics of Intra-Executive Conflict in Semi-Presidential Regimes in Eastern Europe“, in *East European Politics and Societies*, Vol. 19, No. 2, 135-160, p. 156.

to modify the parliamentary nature of the system.”¹ And one year later as „a parliamentary system reinforced by the direct popular election of the head of State, the President.”²

However, by using the dispositional definition outlined above, this text can qualify Romania as having a semi-presidential system. Traian Basescu was elected President of Romania by the end of 2004, and the person designated by him to form a cabinet, Calin Popescu-Tariceanu, succeeded in passing the parliamentary vote of investiture.

Table 1 summarizes the Romanian democratic experience, synonymous to its semi-presidential system for it was installed immediately after the regime change in 1989/91: The constitution-making process was dominated by the National Salvation Front (FSN), established one day prior to Ceausescu’s getaway from the top of the PCR’s Central Committee. The FSN’s Council (CFSN) named Petre Roman as Prime Minister through Decree no. 1 of 26 December 1989, and by the end of the year a Government was installed.³

Under heavy critique mainly from the „historical” parties (PNT-CD, PNL, PSDR), re-established in the meantime, the CFSN dissolved itself in February 1990 and constituted a Provisional Council of National Unity (CPUN), the „Romanian version of round-table discussions.”⁴ However, in the CPUN the FSN still held 50% of the seats, which ensured it control of the decisions to take.

It was in CPUN that the semi-presidential system of government was chosen. As early as 14 March 1990 – only one month after its creation – the CPUN issued the Decree-Law no. 92 that foresaw the establishment of a popularly elected presidency alongside a Government depending on a two-chamber parliament.⁵

Table 1: Presidents, Majorities, and PMs in Romania 1990–now (March 2007)

Period	President	Parliamentary Majority (total % of seats in Deputies’ Chamber)	Prime Minister
1990–1992	Iliescu I (FSN)	FSN (66.24)	Petre Roman (FSN)
		FSN ¹ + PNL (73.54)	Theodor Stolojan (n/p) ²
1992–1996	Iliescu II (FDSN)	FDSN/PDSR ³ (34)	Nicolae Vacaroiu I (n/p)
		PDSR + PRM + PUNR + PSM (51.60)	Nicolae Vacaroiu II (n/p; PDSR)
		PDSR (34)	Nicolae Vacaroiu III (PDSR)
1996–2000	Constantinescu (CDR)	CDR ⁴ + USD ⁵ + UDMR (58.29)	Victor Ciorbea (PNT-CD)
			Radu Vasile (PNT-CD)
		CDR + PD + PSDR + UDMR (58.29)	Mugur Isaescu (n/p)

1 Giovanni Sartori(2002), „Sul Sistema Costituzionale Romeno”, in *Studia Politica – Romanian Political Science Review*, Vol. 2, No. 1, 9-12, p. 10.

2 Giovanni Sartori, (2003), „Alcuni Chiaramenti sul Semipresidenzialismo”, in *Studia Politica – Romanian Political Science Review*, Vol. 3, No. 3, 617-620, p. 617.

3 Decree-Law no. 10 of 31 December 1989 for the constitution, organisation and function of the Government of Romania.

4 Steven D. Roper (2000): *Romania – The Unfinished Revolution*. Amsterdam: Harwood Academic, p. 66.

5 Renate Weber (2001), „Constitutionalism as a Vehicle for Democratic Consolidation in Romania”. in Jan Zielonka, Alex Pravda (ed.), *Democratic Consolidation in Eastern Europe*. Vol. 1: Institutional Engineering., New York: Oxford University Press, 212-242, p. 217.

2000–2004	Iliescu III (PDSR)	PDSR ⁶ + UDMR (52.74)	Adrian Nastase (PDSR/PSD)
2004–now	Basescu (ADA)	ADA ⁷ + UDMR + PUR/PC ⁸ + minorities (51.51)	Calin Popescu-Tariceanu (PNL)
		ADA + UDMR + minorities (42.86)	Calin Popescu-Tariceanu (PNL)

Notes:

¹ The FSN's pro-Iliescu factions formed an own party, the FDSN, in March 1992

² „n/p” means no party membership (technocratic PMs)

³ The FDSN changed its name to PDSR in June 1993

⁴ Multiparty *alliance* („Convention”) whose major member parties are PNT-CD and PNL

⁵ Two-party *alliance* („Union”) consisting of PD and PSDR; dissolved in May 1999

⁶ *Alliance* („Pole”) between PDSR, PUR, and PSDR. On 16 June 2001, PDSR absorbed the PSDR to form the PSD

⁷ „Political alliance” consisting of PNL and PD

⁸ The PUR changed its name to PC on 8 May 2005

The Constituent Assembly was elected in May 1990, consisting of the Deputies' Chamber and the Senate. At the same time, Romania chose for the first time in history its chief of State in a pluralistic election. The Constituent Assembly was given the double task to draft the new constitution and adopt the most urgent reforms. The FSN won two thirds in the legislative elections, and Iliescu was elected President with 85% of the valid votes.¹

It is understandable that the constitution, approved in a referendum in December 1991, deviates only slightly from the Decree-Law no. 92, in terms of structure and powers of the President and the parliament.²

The establishment of a dual authority structure seems to be a compromise between a system with too much personal power – where the head of State is also head of Government and popularly elected – and one with too few – where parliament only has full control over the Government.

Romanian Dual Authority

More than a decade later, Romania proceeded to hold its fifth democratic elections, through which Members of Parliament (MPs) and the President are elected. Probably for the last time, the legislative elections and the first round of the presidential elections were held on the same day – the new constitution of 2003 augmented the President's term from four to five years.³

The battle for parliament in November 2004 was fought mainly between two „party electoral coalitions”, i.e. groupings „composed of individual member-parties that form an electoral coalition which is transformed into a parliamentary coalition.”⁴

On the one side, there was the „National Union” between Social-Democrats (PSD) and the Humanist Party (PUR), and on the other side the „Justice and Truth Alli-

¹ Steven D. Roper, *Op. cit.*, p. 67.

² Renate Weber, *Op. cit.* p. 218.

³ Art. 83. 1

⁴ Steven D. Ropper (1998), „From Opposition to Government Coalition: Unity and Fragmentation within the Democratic Convention of Romania” in *East European Quarterly*, Vol. 31, No. 4, 519-542, p. 519.

ance" of Liberals (PNL) and Democrats (PD) – in Romanian: *Alianta Dreptate si Adevarul* (ADA). The difference between the two was that the DA-Alliance benefited from the juridical status of „political alliance”, while the Union consisted in a – merely semantic – „electoral alliance”.¹

This distinction may not be important when it comes to vote in parliament, yet it shows how the same electoral result of 28 November 2004 can be interpreted differently: in terms of political *parties*, PSD appeared as the clear winner, with a total 160 seats. But in terms of political *alliances*, the DA-Alliance wins most: a total of 161 mandates.²

As stated above, even in semi-presidential regimes it is parliament through its majority that holds power. „Majority power” is the capacity to make parliament as a whole decide along one’s programme, based on the majority-rule principle of democracy. In Romania, at the end of 2004, there were, within a month, *three* parliamentary majorities.³

The *first* parliamentary majority installed itself right after the parliamentary elections. On 6 December 2004, the party of ethnic Hungarians (UDMR) and PSD agreed to form a common Government. Yet on the same day, PUR-president Dan Voiculescu declared that his agreement with PSD was made up of three stages: common lists in the parliamentary election, support of a single presidential candidate, and collaboration in the Government formation process. PUR and PSD decided to postpone negotiations on the cabinet until the presidential run-off was over.⁴ Nevertheless, three days before the run-off, Adrian Nastase, in his function as PSD-president, declared that „at the moment, a parliamentary majority exists.”⁵

On 12 December 2004 then, Traian Basescu (ADA) won the race for President against Nastase (PSD). He immediately set his priority as forming „a comfortable majority around the ADA” to implement its 11-points electoral program. Basescu explicitly invited PUR and UDMR to „analyze the possibility of joining the Alliance” to form another parliamentary majority.⁶ PUR-president Dan Voiculescu answered vaguely that his party would indeed be „independent”, because an electoral alliance and a political alliance were not the same, but that as for now, the „political morality” would favour PSD.⁷ On 15 December, Basescu increased the pressure:

I will appoint Calin Popescu Tariceanu Prime Minister. If I cannot fulfil the mandate I was given by the people, I will turn to the people. [...] If the Government of the Alliance does not pass, we will certainly go back to the early elections. I think that the President, who is elected by direct vote, has a right to decide on the party he wants to work with so that his own programme promoted during the election campaign will become reality.⁸

1 Cristian Pîrvulescu (2005), *Partidele Romanesti în 2005*. Paper presented at the Conference „Partidele de centru dreapta în România”, Bucharest, p. 8; can be downloaded using the following link: http://www.kas.ro/kas/fileadmin/user_upload/_temp_/Situatia_partidelor_politice_din_Romania_in_2005-C.pdf.

2 Lavinia Stan(2005), „The Opposition Takes Charge. The Romanian General Elections of 2004”, in *Problems of Post-Communism*, Vol. 52, No. 3, 3- 15, p. 12.

3 Daniel Barbu (2005), „Can Democracy Be its Own Enemy? The Intended Consequences of the 2004 Romanian Elections”, in *Studia Politica – Romanian Political Science Review*, Vol. 5, No. 1, 9-17, p. 12.

4 *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 7.12.04.

5 Cit. in *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 10.12.04.

6 *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro> 14.12.04.

7 Cit. in *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 14.12.04, and 20. 12. 04.

8 Cit. in *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro> 16. 12. 04.

Immediately afterwards, UDMR deferred the signing of a parliamentary cooperation protocol with PSD, and announced, through its president Marko Bela: „We do not want early elections. The top priority is political stability.”¹ Yet PUR did not give in, and even supported the PSD-candidates for the offices of speaker of the House of Deputies (Adrian Nastase) and of the Senate (Nicolae Vacaroiu), on 20.12.04. Taking into account that the chairmen elections happened with the votes of PSD, PUR, and PRM, this *second*, parliamentary majority, albeit completely circumstantial, mounted to a total of 259 seats, or 55.2% of all seats.²

The Humanists joined the ADA-UDMR-coalition only after President Basescu had nominated Calin Popescu-Tariceanu Prime Minister, on 23 December 2004.³ Thus, the *third* and final parliamentary majority consisted of ADA, UDMR, PUR, and could win the minorities' support, leading to a total of 241 seats (51.4%) in parliament.⁴

The change from a centre-left majority (PSD-PUR-UDMR-minorities: 51.2%) to a centre-right majority (DA-UDMR-PUR-minorities: 51.4%) was operated in less than one month. This can be explained by cynical opportunism to side with the winner, or by the normal function of political parties: seeking political representation.

Romanian Political Parties

Over the years 2005 and 2006, the constellation in the Romanian executive transformed into a *de facto* cohabitation. As of March 2007, PD-president Emil Boc stated that „for the time being, the Alliance with PNL is like a marriage no longer working, but a divorce has not been settled.”⁵ As we will see further on, it is exactly this anthropomorphic conception of political parties that hinders the finding of a consensus, or, less demanding, of a *modus vivendi* allowing to efficiently and legitimately continue the exercise of power in Romania.

In the words of Cristian Preda, it became evident at the time of Government formation in 2004 that the party system is „multi-party” without a dominant party, and the consequence is a need to “fabricate” a majority.⁶ This fabrication takes place even by annihilating electoral understandings (PSD and PUR forming the Union) and political agreements (PSD and UDMR). It seems that the same process takes place in the beginning of March, when, in PD's view, by „excluding” PD from the new Government, „PNL has broken the protocol of the Alliance.”⁷

Barbu reminds of the Italian *partitocrazia* as „a method of government in which parties hold jointly the complete monopoly of all political personnel, resources and policy”, and where political parties not only colonize all public institutions that make up the political regime, but „become the regime itself.”⁸ Without following this thought further – our focus is the conflict between Basescu and Tariceanu and not the party system as such – his conclusion is nevertheless highly relevant here:

1 Cit. in *Ibidem*.

2 *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 21.12.04.

3 *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 24.12.04.

4 Lavinia Stan, *Op. cit.*, p. 12.

5 Cit. in *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 27.3.07.

6 Cristian Preda (2005), *Partide și Alegeri în România Postcomunistă (1989-2004)*. Bucharest: Nemira, p. 100.

7 Emil Boc; cit. in *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro> 3.4.07.

8 Daniel Barbu, *Op. cit.*, p. 11.

[...] whatever the results of an election, nobody loses and nobody wins. Losses and gains should rather be shared by all parties-in-Parliament. This is why the President can always muster up a presidential majority. Like in any dualist regime, the head of state is both the executive officer and the warrant of a stable and established party system. As the constitutional resident of the Palace is, since 1990, elected by universal suffrage, it entails that the only election that really does matter is the presidential one.¹

The personalisation of parties, the concurrent timing of parliamentary and presidential elections, the opportunistic nature of the party system, and the balanced result were factors that favoured an „involved” role of the President already in the Government formation process.

Basescu has made it clear from the very beginning – indeed already in the electoral campaign – what his conception of the presidency looks like:

The power granted by the Constitution to the President is to be an active and efficient player in the public life of Romania, not just a well-intended spectator. I have never been a non-involved person. I do not want to be a spectator-President, who occupies the best seat on the official dais, what I want to be is a playing President, who is working shoulder to shoulder with the other responsible factors and the whole society.²

Adding this personal will to the institutional dimension of the office (authority) alone does not explain the power President Basescu enjoyed at certain moments. Nor do the concrete constitutional prerogatives³ connected to the office of President explain his ability to, for example, block the nomination of a new Foreign Minister.⁴

Basescu has been and Tariceanu still is president of a political party, and this is one reason why the „war of palaces” sometimes degenerated into a „war of declarations”, but was always a conflict between political parties. The other reason is that anyway, in democracies, politics is made in parliament and through parties. Thus, it is through the Democratic Party (PD) that President Basescu becomes so powerful, more specifically: through PD’s recognition of Basescu as *de facto* leader.

Of course, the shift from one parliamentary majority to another in 2004 would not have been possible were Basescu not elected President and had he not threatened to call for early elections. But once the cabinet is installed, the President’s influence is limited to „matters of national interest with regard to foreign policy, the defence of the country, insurance of public order.”⁵ Political parties are not only the connector between State institutions and the people; in this specific case of Romanian semi-presidentialism, they link presidency, cabinet, and parliament.⁶

1 *Ibidem.* p. 14.

2 Cit. in *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 24.11.04.

3 His „powers” of government formation: Art. 85.1 in relation to Art. 102.1; of assembly dissolution: Art. 89.1; and of cabinet participation: Art. 86 and 87 of the Romanian Constitution.

4 *Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 22.3.07.

5 Art. 87.1 of the Romanian Constitution.

6 Interesting, at this point, that PD and PNL in 2004 agreed to support a common presidential candidate, the Liberal Theodor Stolojan. Stolojan was replaced as candidate only two months before the 2004 elections by a Democrat, Basescu, and is now president of the Liberal-Democrat Party (PLD). The latter is constituted mostly of former Liberals unhappy with Tariceanu’s leadership. (*Nine o’Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 1.4.07)

Successor to Petre Roman's faction of the „revolutionary” FSN, the PD was, between 1993 and 2005, a social-democratic party. Traian Basescu became president of the PD in 2003, but only in 2005, after Basescu had become President of Romania, was the party put on a „popular” track.¹

Only the PD was able to profit from the President's popularity after his election, with the PNL doomed to grateful acknowledgment of Basescu's majority „fabrication”. If the latest polls are to be believed, PD would receive some 34 per cent of the votes cast – ahead of PSD (22%), PNL, and PRM (11% each).²

Compared to November 2004, the situation inside ADA seems to have been inversed – back then, PNL received 92 seats in Parliament (19.6% of all seats), and PD only 69 (14.7%).³

Romanian Cohabitation

On 3 April 2007, at 6:29 p.m. Romanian time, parliament approved the new cabinet proposed by PM Tariceanu. The PM had sent the proposed list of cabinet members to Parliament on 2 April 2007. The new cabinet is composed of 18 persons: 14 from PNL, including the PM, and 4 from UDMR, including the office of Vice-PM which goes to Marko Bela.⁴

With the removal of PD from the Government, the reshuffle falls under paragraph 3 of article 85 of the Romanian constitution, which reads:

If, through the reshuffle proposal, the political structure or composition of the Government is changed, the President of Romania shall only be entitled to exercise the power stipulated under paragraph (2) based on the Parliament's approval, granted following the proposal of the Prime Minister.

Paragraph 2 of the same article reads as follows:

In the event of Government reshuffle or vacancy of office, the President shall dismiss and appoint, on the proposal of the Prime Minister, some members of the Government.

Thus, through changing the political structure of the Government, the role of President Basescu is relegated approving the cabinet ex-post, for Tariceanu's proposal is now vested with Parliament's explicit approval.

The vote in parliament was decided by 302 in favour and 27 against; PD and PLD had left the chamber beforehand. Explicit backing came from PNL, UDMR, PSD, and the minorities' group, while PRM and PC had announced their opposition.⁵

By changing from the governmental to the opposition side, and keeping with Basescu as informal party leader, the PD contributed to the first situation of cohabitation in Romania ever. Or, in other words: the *de facto* cohabitation was simply formalized.

1 Lavinia Stan, *Op. cit.*, p. 8.

2 *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 1.4.07.

3 Lavinia Stan, *Op. cit.*, p. 14.

4 *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 1.4.07, and *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro> 3.4.07.

5 *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 3.4.07.

Conclusions and Outlook

The constitution is the fundament of a State and its institutions. It gives authority to the persons holding certain positions, and at the same time ascribes them powers. The exercise of power is commonly distributed among three branches, while with regard to semi-presidential systems, one could speak of three-and-a-half branches, the President being put „above” the other institutions but still in charge of certain tasks that can be associated with the executive.

In Romania, crucial in 2004 were Basescu’s powers to designate a PM-candidate and call early elections in case „his” nominee would not have passed the vote of investiture at least two times.¹

Formal and informal powers can be separated theoretically, but in practice they often conflate. Thus, the ability to nominate Tariceanu was based on the ADA being the largest „political alliance”, whereas the „threat” of early elections worked only due to fears on the side of UDMR and PUR/PC not to pass the 5%-threshold anymore.

PNL continues the struggle to stay in power, with a PM not willing to give in to the President’s wishes. These are the introduction of the uninominal vote, early elections, and a new constitution to avoid the deadlocks between institutions:

[...] avem nevoie nu doar de votul uninominal, ci și de o dezbatere responsabilă în privința reformei constituționale. E nevoie de o nouă Constituție, capabilă să evite blocajele instituționale [...]²

PD and probably also PLD will take these three issues of the presidential agenda and block all the others. UDMR continues its pragmatism – irony that the only real political party with a clear agenda is somehow based on ethno-cultural criteria? Alongside PD to scream against the Government: PRM and PC, for no substantial reason though but only because of UDMR’s presence in the cabinet.

The smiling third could be PSD: It continues to have the „authority” of the biggest party in parliament – but without being formally part of the Government. It can negotiate behind-the scenes compromises without – after failure – assuming responsibility, but claiming – after success – participation.

Now there is both a situation of cohabitation *and* a minority cabinet. Government will have to rely on at least some opposition votes in order for legislation to pass – and the support of the President is doubtful. There is no majority power because seats are dispersed on too many parties.

In the lower house, PSD has the plurality (33%). Additionally, there are *three* minorities:

1. The „governmental” minority: PNL and UDMR with probably extended support of the minorities’ group: together 28 per cent of the seats in the Chamber of Deputies;
2. The „presidential” minority: PD and yet un-officialised PLD, with 19 per cent of seats.
3. The „extremist” minority: PRM and PC, together ca. 15 per cent.

¹ Art. 85.1 and 89.1 of the Constitution of Romania, respectively.

² Official Homepage of the Romanian Presidency: www.presidency.ro, accessed on 6.4.07.

With regard to efficiency and the capacity to exercise power, we can imagine two possible scenarios for the future:

1. Status quo: Most likely, according to Basescu's recent statements, the attitude of the President to be a quite active watchdog of governmental projects will not change.¹ Conflicts at the top continue, poisoning the atmosphere. No substantial negotiations are held, circumstantial ad-hoc majorities dominate the scene, e.g. PD/PLD with PRM/PC in a motion of censure, with the PSD abstaining.
2. Improved efficiency of the exercise of rule: This would confirm the hypothesis that it is better to have behind-the-scenes negotiations than none at all. Even a covert PNL-UDMR-PSD cooperation is not „illegal”, as some PD-deputies describe it. Political parties have a mandate to impose their programme, and pay-day is on election-day.

In other words, a situation worse than the current blockage is hardly possible. Early elections will not happen unless a majority emerges among the political parties in parliament to go through the procedure described by the Romanian constitution in article 89.1. It is then the President who „may” dissolve parliament – or may not, if not also „his” party has prospects of winning. Again, it all comes down to political parties and their leaders.

This paper is based on the master's thesis „Presidential Power in Semi-Presidential Systems – The Case of Romania”, delivered to the Philosophical Faculty of the University of Fribourg in Summer 2006. The thesis can be downloaded using the following link: http://www.federalism.ch/files/documents/THESIS_final.pdf

¹ *Nine o'Clock*, Romanian Daily, Bucharest, <http://www.nineoclock.ro>, 5.4.07.